

J-1 Professor and Research Scholar Category

12-Month Bar, 24-Month Repeat Bar and 2-Year Residency Rule

12-Month Bar

Time spent in the United States in any J status (including J-2 status) during the 12-month period preceding the prospective professor or research scholar's program begin date affects eligibility for future participation as a Professor or Research Scholar.

This is what is referred to as the "12-month bar." The general proposition of the 12-month bar is that an individual is not eligible to begin an exchange program as a Professor or Research Scholar for a new program if he or she was physically present in *any* J status (including J-2 status) for all or part of the twelve month period immediately preceding the date of program commencement set forth on his or her Form DS-2019". This general rule is then modified by three exceptions:

(A) J-1 transfers. The 12 month bar is not applicable to those who will begin a program by transferring to a new program sponsor under the transfer procedures set forth by Department of State.

(B) Presence in J status of less than 6 months. An individual whose prior physical presence in J status was of less than six months duration is exempt from the 12-month bar

(C) Presence in J status as a Short-Term Scholar. No time spent in the J-1 Short-Term Scholar category is counted as physical presence that triggers the bar.

24-Month Bar on Repeat Participation

An individual who participates in the Exchange Visitor Program as a Professor or Research Scholar becomes subject to a 24-month bar on "repeat participation" in those categories after completing his or her program. This is true whether the Professor or Research Scholar completes a full five years of program participation with one or more sponsors; *or* if he or she completes their program before the full five-year period is over. In this second case, the continuity of the five-year period is broken, the five-year window is "closed," and the individual is not eligible to access the remaining unused time.

Two-Year Foreign Residency Requirement

An exchange visitor is subject to INA 212(e) requirement (two year foreign residency), if the following conditions exist:

- The program in which the exchange visitor was participating was financed in whole or in part directly or indirectly by the United States government or the government of the exchange visitor's nationality or last residence;
- The exchange visitor is a national or resident of a country designated as requiring the services of persons engaged in the field of specialized knowledge or skills in which the exchange visitor was engaged for the duration of their program (Exchange Visitor Skills List 9 FAM 41.62, Exhibit II);
- The exchange visitor entered the United States to receive graduate medical education or training.

If the exchange visitor is subject to INA 212(e) requirement, he or she cannot change his or status to that of H, L, K, or immigrant lawful permanent resident (LPR) until he or she has returned to his/her home country for at least two-years or received a waiver of that requirement. Such waivers can be obtained under five separate bases: No Objection Statement, Exceptional Hardship or Persecution, Conrad Program, or Interested Government Agency.